

**EMERGENCY ORDINANCE UNDER SECTION 2.15 OF THE MANKATO CITY CHARTER
RELATING TO COVID-19 AND FACE COVERING REQUIREMENTS IN ACCORDANCE
WITH CDC GUIDANCE WHEN IN INDOOR SPACES OF PUBLIC ACCOMODATION
(#2020-4)**

WHEREAS, on March 13, 2020, Governor Walz issued Emergency Executive Order 20-01, declaring a Peacetime Emergency and coordinating Minnesota's strategy to protect from COVID-19; and

WHEREAS, Governor Walz signed Executive Order 20-56 to rescind the Stay at Home order put in place by Executive Order 20-48, and included in the order that all Minnesotans are strongly encouraged, "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others)"; and

WHEREAS, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

WHEREAS, the data shows that older individuals and those suffering from underlying conditions are prone to more severe disease, and also shows that Black, Indigenous, people of color, and immigrant community members are testing at a higher rate with Black and Hispanic community members accounting for a higher percentage of cases; and

WHEREAS, the city's workers and other essential workers continue to provide essential services during this emergency, and some of these critical workers face an outsized risk of exposure, and we must protect these essential workers from infection; and

WHEREAS, health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms; and

WHEREAS, public health experts have determined that the use of a cloth face covering may reduce the risk of transmission by an infected person as a force multiplier for physical distancing, hand washing, and other prevention measures, understanding that face coverings are not recommended as a replacement for these activities; and

WHEREAS, as state leaders continue to dial back restrictions in spaces of public accommodation, the city has redoubled its efforts to maintain good hand hygiene, respiratory etiquette, and physical distancing while proceeding cautiously and with a focus on slowing community spread and avoiding unnecessary strain on our medical system.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Mankato that the following emergency regulations be enacted effective July 10, 2020:

1. Any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation.

2. All employers of businesses that are spaces of public accommodation as defined by this Ordinance shall require their employees to wear a cloth face covering whenever such employees have face-to-face contact with the public.

Definitions:

3. A space of public accommodation means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of Mankato government buildings, and service establishments as well as recreational facilities, and service centers. In addition to, establishments and facilities that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the Place of Public Accommodation.

4. Spaces not considered places of public accommodation are health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities. Crisis shelters, soup kitchens, or similar institutions. Restaurants and food courts inside the secured zones of airports. This would also include indoor spaces within the campus of Minnesota State University, Mankato.

Exceptions: A face covering or mask shall NOT be required for:

a. Children two (2) years of age and under. Face coverings or masks may pose a risk of choking, strangulation, or suffocation to infants and young toddlers

b. Eating or Drinking. Persons may remove face coverings while eating or drinking, when seated at a table with at least six (6) feet of social distance from other patrons, provided that they re-cover their faces when interacting with persons not at their tables or when not seated.

c. Indoor Athletic Facilities (i.e. fitness centers, commercial gyms, etc.). Indoor athletic facilities shall follow CDC guidelines. Patrons are not required to wear face coverings or masks while actively participating in permitted athletic activities, but are encouraged to wear face coverings when not actively training.

d. Movie Theaters and other indoor Entertainment Venues. Persons may remove face coverings when seated in their assigned seat with at least six (6) feet of social distance from other patrons, provided that they re-cover their faces when not seated.

5. Cloth face-covering means a covering that fully covers a person's nose and mouth but is not a Medical-Grade Mask.

6. Medical-Grade Mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.

Additional Terms

7. A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation, and/or misdemeanor prosecution. Minn. Stat. §12.45. City Code.

a. Licensed Establishments - voluntary compliance will be requested with warning being issued. Further violations would constitute a strike/administrative penalty (Resolution R-16-1212-272 and matrix to include strike and corresponding administrative penalty (\$200 plus associated court fees).

b. Unlicensed Establishments – voluntary compliance will be requested with warning being issued. Further violations would constitute an administrative penalty (\$200 plus associated court fees).

c. Individuals/Patrons – voluntary compliance will be requested with warning being issued. Further violations would be cited as a misdemeanor offense per MS 12.45. The city could request that the district court designate this violation as a payable offense approved by the Minnesota Judicial council. The payable offense would follow the class II nuisance violation of \$100 plus applicable court fees. Individuals could elect to not pay the fine and chose a court appearance process with a judge prescribing a different penalty/enforcement.

Repeated violations by an individual or a business would be handled the same. The city would seek voluntary compliance and cite only when the individual or business refuse to comply with the request for compliance.

This Ordinance shall, in accordance with the provisions of Section 2.15 of the Mankato City Charter, become effective immediately and shall be published and printed as prescribed for other adopted ordinances.

This Ordinance shall stand repealed as of the 61st day following the date on which it was adopted, unless it is extended, rescinded, superseded, or amended as adopted by the City Council.

Adopted this _____ day of _____, 2020.

Najwa Massad
Mayor

Attest:

Renae Kopischke, MMC
Designated City Clerk